

1 STATUTE OR THE NEGLIGENCE CLAIM.

2 MS. MYKKELTVEDT: AGREED, YOUR HONOR.

3 THE COURT: IT DOESN'T MATTER WHAT PLAINTIFFS'
4 LAWYERS' MOTIVES ARE OR WHAT MAY HAPPEN AT AIRPORTS. WE'RE
5 NOT TALKING ABOUT AIRPORTS OR ANY OF THAT KIND OF STUFF, SO
6 IT'S JUST NOT RELEVANT. AND SO I'M GRANTING THE MOTION ON
7 RELEVANCY GROUNDS AND ON THE BASIS -- WE'LL SAY THAT -- AND ON
8 THE BASIS THAT THE DEFENDANTS HAVE SAID THEY'RE NOT GOING TO
9 PROFFER HER TESTIMONY. I DON'T KNOW WHY IT WAS INCLUDED IN
10 THE REPORT TO START WITH. CERTAINLY NO ONE COULD HAVE REALLY
11 EVER THOUGHT IT WAS GOING TO BE ADMISSIBLE IN THIS CASE. IT
12 SEEMS LIKE A GRATUITOUS -- AN EXPERT DOING WHAT EXPERTS DO,
13 YOU KNOW, WHICH IS ARGUING ABOUT UNNECESSARY THINGS. SO LET'S
14 JUST MOVE ON.

15 WE'RE NOW ON THE MOTION FILED AT THE DOCKET AT 329
16 PLAINTIFFS' MOTION TO EXCLUDE EVIDENCE THAT THE DEFENDANT MAY
17 HAVE NOT DISCLOSED IN DISCOVERY ON THE BASIS OF PRIVILEGE --
18 ATTORNEY-CLIENT PRIVILEGE OR THE WORK PRODUCT DOCTRINE.

19 THE DEFENDANTS' BASIC ARGUMENT IN OPPOSITION IS THAT
20 THIS IS A PREMATURE MOTION AND DOES NOT WANT THERE TO BE SOME
21 TYPE OF BLANKET EXCLUSION.

22 SO I GUESS MY QUESTION TO THE DEFENDANT IS: HOW
23 WOULD YOU GET TO USE EVIDENCE THAT YOU DIDN'T PREVIOUSLY
24 DISCLOSE? I THINK THE EXAMPLE USED IN THE MOTION WAS
25 STATEMENTS ABOUT WHAT -- QUESTIONS ABOUT WHAT THE DEFENDANTS